

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

COACH, INC. and)
COACH SERVICES, INC.,)
vs.)
Plaintiffs) Civil Action No. 09-3777
vs.)
C & H CORPORATION dba C&H)
SUNGLASSES adba C&H SUNGLASSES)
FACTORY, and DAVID TANG, an individual.)
Defendants.)

C & H CORPORATION and DAVID TANG,)
vs.)
Cross-Plaintiffs)
vs.)
AAB ENTERPRISE, INC.)
Cross-Defendant)

**CROSS-COMPLAINT OF CROSS-PLAINTIFFS C & H CORPORATION AND
DAVID TANG AGAINST CROSS-DEFENDANT AAB ENTERPRISE, INC. FOR
INDEMNITY**

NOW COME Cross-Plaintiffs, C & H CORPORATION and DAVID TANG, an individual, named Defendants below, and file this, their Cross-Complaint for Indemnity against AAB ENTERPRISE, INC., and upon personal knowledge as to their own acts and circumstances, and upon information and belief as to the acts and circumstances of others, allege as follows:

Exhibit A

Nature of the Action

1. On or about November 20, 2009, Cross-Plaintiffs were sued by Plaintiffs Coach,
In Exhibit
A services, Inc. in this present action for trademark and trade dress
in se designation of origin and false advertising, and trademark dilution
~~under the Lanham~~ Act; copyright infringement under the United States Copyright Act;
injury to business reputation and trademark dilution under the Texas Business and
Commerce Code, and trademark infringement, unfair competition and unjust enrichment
under the common law of the State of Texas. Cross-Plaintiff is informed and believes,
and based upon such information alleges, that Cross-Plaintiffs were sued by virtue of a
private investigation conducted by Plaintiff, in which agents of Plaintiff purchased from
Cross-Plaintiffs, or either of them, product which Cross-Plaintiffs, or either of them, had
innocently purchased from Cross-Defendant AAB Enterprise, Inc., such that Cross-
Defendant should bear all responsibility for any recovery which Plaintiff may obtain
against Cross-Plaintiffs, or either of them, and Cross-Defendant AAB Enterprise, Inc.
should indemnify Cross-Plaintiffs for any liability they may incur to Plaintiff, as well as
for their costs and attorney fees for defending this action.

Jurisdiction and Venue

2. The Court's jurisdiction is alleged to arise under 15 U.S.C. § 1121,
28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).
3. Cross-Plaintiffs are informed and believe that this Court can properly exercise
its long-arm jurisdiction over these Cross-Defendants, as they have
taken affirmative steps to take advantage of the laws of this forum,

such that minimum contacts exist between the Cross-Defendants and this forum.

4. Venue is alleged to be proper in this judicial district pursuant to 28 U.S.C. 1331(b)(2) as a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.

Parties

5. Cross-Plaintiff C & H CORPORATION is a for profit Corporation organized and existing in the State of Texas.
6. Cross-Plaintiff DAVID TANG is an individual and resident of Harris County, Texas
7. On information and belief, Cross-Defendant AAB ENTERPRISE, INC. is a Corporation organized under the laws of the State of California, and with its primary offices in Los Angeles County, California. Cross-Defendant AAB ENTERPRISE, INC. can be served through its agent for service Yang Chin-Chih at 350 S. Los Angeles Street, Los Angeles, California, 90013, its Registered Office.

LIABILITY OF AAB ENTERPRISE, INC.

8. In addition to all of the allegations set forth in the Plaintiff's Complaint, Cross-Plaintiffs allege that Cross-Plaintiffs, or either of them, innocently purchased product from Cross-Defendant AAB Enterprise, Inc. on or about July 8, 2009, and again on or about July 31, 2009, which consisted of several cases of various types and styles of sunglasses, and other products.

9. Cross-Plaintiffs are informed and believe that, at all times pertinent hereto, but unbeknownst to Cross-Plaintiffs, Cross-Defendant AAB Enterprise, Inc. knew, or should have known, that the sunglasses which they were selling were of questionable origin and contained or bore marks and/or designs which might be construed as infringing upon marks and/or designs properly owned by Plaintiff.

10. That, in any event, Cross-Defendant persisted in promoting and selling the aforementioned product to Cross-Plaintiffs, or either of them, all without the knowledge of Cross-Plaintiffs, and to their detriment.

11. On or after the date of the delivery of the aforementioned product to Cross-Plaintiff's store at 6740 Harwin Drive, Houston, Texas, Plaintiff sent private investigators to Cross-Plaintiff's store, who purchased from Cross-Plaintiffs product which had been innocently purchased by Cross-Plaintiffs, or either of them, from Cross-Defendant AAB Enterprise, Inc., all without the knowledge of Cross-Plaintiffs, or either of them.

12. Further, Cross-Plaintiffs deny that they were guilty of any negligence contributing to or independently causing the harm complained of by Plaintiff. Consequently, Cross-Plaintiffs are entitled to indemnity for all sums it may be compelled to expend as a result of Plaintiff's claim, including any damages it may be ordered to pay to Plaintiff, as well as the reasonable and necessary costs and expenses incurred in investigating and defending the claim, as well as any sum by which Cross-Plaintiffs may be found liable in damages to Plaintiff.

PRAYER

WHEREFORE, C & H Corporation and David Tang, individually, Defendants and Cross-Plaintiffs, request that:

1. Cross-Plaintiff AAB Enterprise, Inc. be cited to appear and answer.
2. Plaintiffs Coach, Inc. and Coach Services, Inc. take nothing by this action and that Defendants/Cross-Plaintiffs recover costs of court;
3. In the event Defendants/Cross-Plaintiffs are required to pay damages to Plaintiffs Coach, Inc. and Coach Services, Inc. that Cross-Plaintiffs have judgment over against Cross-Defendant AAB Enterprise, Inc. as provided by law;
4. These Cross-Plaintiffs have such other and further relief to which they may be justly entitled.

Respectfully submitted,

Gamal, Dang & Associates

/s/J. Robert Brown, Jr.

J. Robert Brown, Jr.
SBN 24005195
9600 Bellaire Blvd., Ste. 212
Houston, TX 77036
(713) 995-6300
fax (713) 995-5423
Attorney for Defendants and
Cross-Plaintiffs